1946.

K

File No. O Firewood Traade/46

Legal Department

A **BRANCH**

Subject:—

Opinions under the.

Bombay Firewood Traade

Licensing Order 1944.

cp 1/(E.)

File No. G Firewoocl Traide/46

355-A

CONTENTS.

Legal Department File No. O. Firewood Trade 1946.
1946

Sr. No.	N.I./O.No.	Subject	Pages
Ex	O. Firwood Trade 1946.	Opinions under the Bombay Firewood Trade Licensing Order 1944.	
1.	4353/15-6-46.	Whether the Collector or the D. I. Dharwar can refuse to renew the licences of importers on the ground that in view of large stocks of Govt. firewood available for sale to public in the Distt. there is no need to import fresh stocks from outside	1

KAT/9-7.
5 c.

K.S.R.
11/7.

Office of the R.L.A.

The Bombay Firewood Trade Licensing Order, 1944 was made under rule 81(2) of the Defence of India Rules for the purpose of regulating the supply, disposal, possession and price of firewood in the local areas to which the order applied. Under this Order no person could carry on the business of a producer, importer, wholesaler or retailer of firwood in the local area except under a licence. The Callector and District Magistrate of Dharwar desires to know whether he can refuse to renew the licences of importers on the ground that in view of the large stocks of Government firewood available for sale to the public in the District there is no need to import fresh stocks from outside.

An importer's licence is granted in Form E under clause 8 of the Order but the licensing authority can, for reasons to be recorded, reject any application for such licence. Applications for renewal of licences are provided for in clause 10 but there is nothing in that clause from which an obligation to renew the licence could be inferred. It would be open to the licensing authority to refuse to renew the licence for good and sufficient reason; and I do not think that in the present case the proposed refusal to renew the importers' licences can be legally challenged as interferring with the ordinary avocations of life within the meaning of section 15 of the Defence of India Act, 1939 provided the refusal to renew is for a temporary period i.e. up to the time the existing stocks of Government firewood are exhausted.

Id/- 12/6/46

Remembrancer of Legal Affairs.

KAN/9-6.
4 c.

U.R. to C.S.D. No.4353, dated the 15th June 1946